



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



November 15, 2002

LETTER OF DEFICIENCY# WSEB 02-165
Certified Mail# 7099 3400 0003 0690 9755

Steve Nevers
Newton Junction Variety & Country Kitchen
PO Box 87
Newton, NH 03859

Subject: Newton - Public Water System: Newton Junction & Country Kitchen (EPA #1758020)

Dear Mr. Nevers:

The records of the NH Department of Environmental Services (DES) show that the Newton Junction & Country Kitchen water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit chemical samples according to the system's established sampling schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

DES records show that the subject water system failed to submit the following chemical sample results for the following monitoring period (calendar quarter).

Quarter 2 – 2002 – Nitrate and Nitrite

As a result of the failure to submit the above-described samples, a Notice of Violation (NOV), dated **August 15, 2002**, was sent to you. The NOV requested that you immediately submit the above-described samples as make-up samples. To date, DES has not received the make-up sample results, thus placing the water system in violation of Env-Ws 326.

DES believes the monitoring/reporting deficiency can be addressed by taking the following action:

- 1 **By November 25, 2002**, submit the Nitrate and Nitrite "make-up samples" to the State laboratory or a State-certified laboratory. Please use the enclosed analysis result form when submitting the samples to your laboratory.

Pursuant to Env-Ws 351, the failure to submit the Quarter 2–2002 Nitrate and Nitrite samples required you to perform public notice of the monitoring/reporting violation. The **August 15, 2002**, NOV requested that you perform the public notice within 30 days and submit proof of public notice to DES within 10 days of providing public notice. To date, DES has not received proof of public notice, thus placing the water system in violation of Env-Ws 351.

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DES believes the public notice deficiency can be addressed by taking the following actions:

- 1 **By November 25, 2002**, provide public notice of the failure to submit the Quarter 2–2002 Nitrate and Nitrite samples, as specified on the enclosed form; and
2. **By December 3, 2002**, provide proof of public notice to DES, as specified on the enclosed form.

In the event compliance is not achieved within this period, DES may take further enforcement action. These actions include issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The proof of public notice as requested above should be addressed as follows or faxed to (603) 271-5171:

Jeanne D. Lawson
Department of Environmental Services
Water Supply Engineering Bureau
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Jeanne Lawson at (603) 271-6703 or by email at jlawson@des.state.nh.us, if you have any questions regarding this letter.

Sincerely,


COPY

Anthony P. Giunta, P.G., Administrator
Water Supply Engineering Bureau

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Enclosure: Analysis Request Form
Public Notice Form

cc: Gretchen Rule, DES Legal Unit (w/o encl.)
Robert Leverone, Town of Newton Health Officer (w/o encl.)
Food Protection Bureau, DHHS (w/o encl.)
EPA, Region 1 (w/o encl.)